

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

BP 1312.3

The Governing Board recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender identity, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs. (5 CCR 4610)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Vocational Education)*

*(cf. 6200 - Adult Education)*

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedure (AR 1312.4).

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 5125 - Student Records)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

***Legal References:***

***EDUCATION CODE***

*200-262.4 Prohibition of discrimination*

*8200-8498 Child care and development programs*

*8500-8538 Adult basic education*

*18100-18203 School libraries*

*32289 School safety plan, uniform complaint procedure*

*35186 Williams uniform complaint procedure*

*41500-41513 Categorical education block grants*

*48985 Notices in language other than English*

*49060-49079 Student records*

*49490-49590 Child nutrition programs*

*52160-52178 Bilingual education programs*

*52300-52499.6 Career-technical education*

*52500-52616.24 Adult schools*

*52800-52870 School-based coordinated programs*

*54000-54041 Economic impact aid programs*

*54100-54145 Miller-Unruh Basic Reading Act*

*54400-54425 Compensatory education programs*

*54440-54445 Migrant education*

*54460-54529 Compensatory education programs*

*56000-56885 Special education programs*

*59000-59300 Special schools and centers*

*64000-64001 Consolidated application process*

***CODE OF REGULATIONS, TITLE 5***

*3080 Application of section*

*4600-4687 Uniform complaint procedures*

*4900-4965 Nondiscrimination in elementary and secondary education programs*

**PENAL CODE**

*422.6 Interference with constitutional right or privilege*

**UNITED STATES CODE, TITLE 20**

*6301-6577 Title I basic programs*

*6601-6777 Title II preparing and recruiting high quality teachers and principals*

*6801-6871 Title III language instruction for limited English proficient and immigrant students*

*7101-7184 Safe and Drug-Free Schools and Communities Act*

*7201-7283g Title V promoting informed parental choice and innovative programs*

*7301-7372 Title V rural and low-income school programs*

**Management Resources:**

**WEB SITES**

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

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MORGAN HILL UNIFIED SCHOOL DISTRICT

Morgan Hill, California